

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES AMERICA,

Plaintiff,

v.

CRIMINAL 97-032(HL)

JOSE PADILLA GALARZA

(APARTMENT PH 15 IN LA MANCHA
CONDOMINIUM, CAROLINA PUERTO RICO)

Defendant.

ORDER TO SHOW CAUSE

Whereas, the United States Marshals conducted the sale defendant the property, on April 2, 2003 by a company known as Fidelity, and counsel Carmen I. Texeira Gueists was the closing attorney and R.G. Mortgage did not appear or send a representative to the closing of the property.

Whereas, Upon the sale of the property a check was issued to R.G. Mortgage for the amount stipulated in the settlement agreement, that is \$89,785.04. The U.S. Marshals kept the check, in the absence of a representative from R.G. Mortgage at the time. Inadvertently, the check remained at the U.S. Marshals office until it was sent to counsel Texeira Gueists to give to R.G. Mortgage.

Whereas, on February 11, 2004, Attorney Carmen I. Texeira Gueists informed the U.S. Marshals that she attempted to deliver the \$89,785.04 proceeds of the sale of the above captioned property to Francisco Cortes, Vice President of RG Mortgage Corporation. However, Mr. Cortes refused to accept the check delivered by counsel stating that it did not include the payment of additional interests from August 1 2001 to February 11, 2004.

Whereas, in view of R.G. Mortgage's refusal to accept a check for \$89,785.04, which represent the proceeds of the sale of the property described as Apartment Penthouse 15, Condominio La Mancha, Isla Verde, Carolina, Puerto Rico, the United States deposited said check with the court on September 29, 2004.

Now, therefore, on motion of the plaintiff, United States of America, for an Order to Show Cause, it is hereby

ORDERED, ADJUDGED AND DECREED that R.G. Mortgage has ten (10) days to show cause as to why should United States be required to pay additional interests, not included in Stipulated Expedited Settlement Agreement approved by this Court on August 15, 2001. Term provided shall expire on November 22, 2004.

SO ORDERED.

In San Juan, Puerto Rico this __ day of November, 2004.

HECTOR LAFFITTE
United States District Judge